

**STATE BAR COURT OF CALIFORNIA**  
**HEARING DEPARTMENT – LOS ANGELES**

In the Matter of	)	Case No.: <b>08-C-10827; 08-O-13057 (Cons.)</b>
	)	
<b>MICHAEL PATRICK RIDLEY</b>	)	
	)	<b>DECISION AND ORDER SEALING</b>
<b>Member No. 54409,</b>	)	<b>CERTAIN DOCUMENTS</b>
	)	
A Member of the State Bar.	)	
_____	)	

**INTRODUCTION**

In this disciplinary proceeding, respondent Michael Patrick Ridley was accepted for participation in the State Bar Court’s Alternative Discipline Program (ADP).<sup>1</sup> As the court has now terminated respondent from the ADP, the court will recommend to the Supreme Court that respondent be suspended from the practice of law in California for three years, that execution of that period of suspension be stayed, and that he be placed on probation for four years subject to certain conditions, including a six-month period of suspension.

**PERTINENT PROCEDURAL HISTORY**

After the transmittal to the State Bar Court of respondent’s conviction record, the Review Department issued orders on April 23 and May 12, 2008, referring respondent’s final

---

<sup>1</sup> The ADP was formerly known as the (Pilot) Program for Respondents with Substance Abuse or Mental Health Issues.

misdemeanor conviction for violating Vehicle Code sections 23152(a) and 23223(a) to the Hearing Department.

A notice of hearing on conviction was filed against respondent on April 25, 2008.

On June 10, 2008, this matter was referred to the State Bar Court's ADP before the undersigned judge for evaluation of respondent's eligibility for participation therein.

In furtherance of his participation in the ADP, respondent signed a Participation Agreement with the LAP. Respondent also submitted declarations to the court on July 30 and September 16, 2008, which established a nexus between respondent's substance abuse issues and his misconduct in these matters.

The case was abated on December 22, 2008.

On July 20, 2009, case no. 08-H-13057 was filed against respondent.

On August 27, 2009, the conviction referral case was reinstated to active status and consolidated with the other matter.

On January 14, 2010, the parties lodged Stipulations Re Facts and Conclusions of Law in both matters (collectively, Stipulation). The Stipulation sets forth the factual findings, legal conclusions and mitigating and aggravating circumstances in this matter.

Following briefing by the parties, the court advised the parties of (1) the discipline which would be recommended to the Supreme Court if respondent successfully completed the ADP and (2) the discipline which would be recommended if respondent failed to successfully complete, or was terminated from, the ADP. After agreeing to those alternative possible dispositions, respondent executed the Contract and Waiver for Participation in the State Bar Court's ADP; the court executed a Confidential Statement of Alternative Dispositions and Orders (Confidential Statement) formally advising the parties in writing of the alternative discipline recommendations

in this matter; the court accepted respondent for participation in the ADP; and respondent's period of participation in the ADP began on January 14, 2010.

Respondent thereafter participated in both the LAP and the State Bar Court's ADP. However, respondent was terminated from the LAP on August 25, 2011, because of noncompliance with LAP's recommendation that he enroll either in an inpatient treatment program or residential multidisciplinary assessment or else be terminated from LAP.

The court filed an order on September 12, 2011, terminating respondent from the ADP due to noncompliance with the conditions of ADP as set forth above. On October 13, 2011, the court denied respondent's motion for reconsideration of its September 12, 2011 order.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The parties' Stipulation, including the court's order approving the Stipulation, is attached hereto and hereby incorporated by reference, as if fully set forth herein.

In the matters addressed in this proceeding, the parties agreed and court finds that respondent's convictions for violations of Vehicle Code sections 23152(a) and 23223(a) are misdemeanors that do not involve moral turpitude, but do involve other misconduct warranting discipline pursuant to Business and Professions Code, sections 6101 and 6102, in wilful violation of section 6068(a). They also agreed and the court finds that respondent did not comply with the conditions of a public reproof in wilful violation of rule 1-110, Rules of Professional Conduct.

In aggravation, the parties stipulated that respondent had one prior disciplinary record. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(b)(i).)<sup>2</sup>

In mitigation, the parties agreed that respondent was candid and cooperative and that he had family problems. As respondent did not successfully complete the ADP, he will not receive mitigating credit for his period of participation in either the ADP or the LAP.

---

<sup>2</sup> All further references to standard(s) or std. are to this source.

## DISCUSSION

The purpose of State Bar disciplinary proceedings is not to punish the attorney but, rather, to protect the public, preserve public confidence in the legal profession, and maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

In determining the appropriate alternative discipline recommendations if respondent successfully completed the ADP or was terminated from, or failed to successfully complete, the ADP, the court considered the discipline recommended by the parties, as well as certain standards and case law. In particular, the court considered standards 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 2.9, 3.2 and 3.4 and *In re Silvertown* (2005) 36 Cal.4th 81; *In re Morse* (1995) 11 Cal.4th 184; *In re Kelley* (1990) 52 Cal.3d 487; *Morgan v. State Bar* (1990) 51 Cal.3d 598; *People v. Watson* (1981) 30 Cal.3d 290; *In the Matter of Stewart* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 52; *In the Matter of Anderson* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 208; *In the Matter of Carr* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 108; Business and Professions Code sections 6068, 6101 and 6102; and rule 1-110(A), Rules of Professional Conduct.

Because respondent has now been terminated from the ADP, this court, in turn, now recommends to the Supreme Court the imposition of the higher level of discipline, set forth more fully below.

## DISCIPLINE

### **Recommended Discipline**

It is hereby recommended that respondent Michael Patrick Ridley, State Bar Number 54409, be suspended from the practice of law in California for three years, that execution of that

period of suspension be stayed, and that he be placed on probation<sup>3</sup> for a period of four years subject to the following conditions:

1. Respondent Michael Patrick Ridley is suspended from the practice of law for six months;

2. Respondent Michael Patrick Ridley must also comply with the following additional conditions of probation:

- a. During the probation period, respondent must comply with the provisions of the State Bar Act and the Rules of Professional Conduct of the State Bar of California;
- b. Within ten (10) days of any change, respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California (Office of Probation), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code;
- c. Within thirty (30) days after the effective date of discipline, respondent must contact the Office of Probation and schedule a meeting with respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, respondent must meet with the probation deputy either in person or by telephone. During the period of probation, respondent must promptly meet with the probation deputy as directed and upon request;
- d. Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10 and October 10 of the period of probation. Under penalty of perjury, respondent must state whether respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than thirty (30) days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of

---

<sup>3</sup> The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

the period of probation and no later than the last day of the probation period;

- e. Subject to the assertion of applicable privileges, respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation which are directed to respondent personally or in writing relating to whether respondent is complying or has complied with the probation conditions;
- f. Within one (1) year of the effective date of the discipline herein, respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session;
- g. Respondent must comply with all conditions of probation imposed in the underlying criminal matters and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation; and
- h. Respondent must obtain an examination of his mental and physical condition with respect to his substance abuse issue pursuant to rule 5.68 of the Rules of Procedure of the State Bar of California from a qualified practitioner approved by the Office of Probation and must comply with any treatment/monitoring plan recommended following such examination. The examination and any further help/treatment/monitoring recommended by the examining practitioner will be at respondent's own expense. The examination must be conducted no later than thirty (30) days after the effective date of the Supreme Court's final disciplinary order in this matter. Help/treatment/monitoring should commence immediately after said examination and, in any event, no later than thirty (30) days after said examination. With each quarterly report, respondent must furnish to the Office of Probation sufficient evidence, as specified by the Office of Probation, that he is so complying with this condition of probation. Treatment/monitoring must continue for the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

If the examining or treating practitioner determines that there has been a substantial change in respondent's condition, respondent or the State Bar's Office of Probation or the Office of the Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 5.300 of the Rules of Procedure. The motion must be supported by a written statement from the examining or treating practitioner, by affidavit or under penalty of perjury, in support of the proposed modification.

Upon the request of the Office of Probation, respondent must provide the Office of Probation with medical and confidentiality waivers and access to all of respondent's medical records necessary to monitor this probation

condition. Revocation of any medical/confidentiality waiver is a violation of this condition. Any medical records obtained by the Office of Probation will be confidential and no information concerning them or their contents will be given to anyone except members of the Office of the Chief Trial Counsel, the Office of Probation, and the State Bar Court, who are directly involved with maintaining, enforcing or adjudicating this condition.

At the expiration of the period of probation, if Michael Patrick Ridley has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

### **Multistate Professional Responsibility Examination**

It is further recommended that Michael Patrick Ridley be ordered to take and pass the Multistate Professional Responsibility Examination (MPRE) within one year of the effective date of the Supreme Court's disciplinary order in this matter and to provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

### **Rule 9.20, California Rules of Court**

It is also recommended that respondent be ordered to comply with the requirements of rule 9.20 of the California Rules of Court (rule 9.20) within 30 calendar days of the effective date of the Supreme Court order in this matter, and file the affidavit provided for in paragraph (c) within 40 days of the effective date of the order showing his compliance with said order.<sup>4</sup>

---

<sup>4</sup>Failure to comply with former rule 955 (now rule 9.20) could result in disbarment. (*Bercovich v. State Bar* (1990) 50 Cal.3d 116, 131.) Respondent is required to file a rule 9.20(c) affidavit even if he has no clients to notify. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.)

**Costs**

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**DIRECTION RE DECISION AND ORDER SEALING CERTAIN DOCUMENTS**

The court directs a court case administrator to file this Decision and Order Sealing Certain Documents; Order Re Termination of Involuntary Inactive Enrollment. Thereafter, pursuant to rule 5.388(C) of the Rules of Procedure of the State Bar of California (Rules of Procedure), all other documents not previously filed in this matter are ordered sealed pursuant to rule 5.12 of the Rules of Procedure.

It is further ordered that protected and sealed material will only be disclosed to:

(1) parties to the proceeding and counsel; (2) personnel of the Supreme Court, the State Bar Court and independent audiotape transcribers; and (3) personnel of the Office of Probation when necessary for their duties. Protected material will be marked and maintained by all authorized individuals in a manner calculated to prevent improper disclosures. All persons to whom protected material is disclosed will be given a copy of this order sealing the documents by the person making the disclosure.

**IT IS SO ORDERED.**

Dated: October 24, 2011.

---

RICHARD A. PLATEL  
Judge of the State Bar Court